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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,195	06/13/2001	Kelvin Brian Dickinson	J3544(C)	6049

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EXAMINER

GOLLAMUDI, SHARMILA S

ART UNIT PAPER NUMBER

1616

DATE MAILED: 08/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/880,195	DICKINSON ET AL.	
	Examiner	Art Unit	
	Sharmila S. Gollamudi	1616	

-- Th MAILING DATE of this communication appears on the cover sheet with the corr spondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Receipt of Amendments and Remarks received on 6/8/05 is acknowledged. Claims **1, 7, and 13-17** are pending in this application. Claims 2-6 and 8-12 stand cancelled.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 7, 13-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The independent claims have been amended to recite “with the proviso that coconut oil is present in the hair oil in an amount of at least 60% by weight” which does not have support in the instant specification. The instant specification on page 5 provides support for glyceride fatty ester in the amount of 95:5 to 5:95; 90:10 to 10:90; and 80:20 to 20:80. Further, page 5 provides support for 60:40 of the instantly claimed oil: hydrocarbon oil. However, the instant specification does not have support for “**at least**” 60% coconut oil specifically. If applicant contends there is support, the exact page and line of said support is requested. It is noted that that examples support 60% of coconut oil but not “at least” 60%.

Response to Arguments

Applicant argues that there is implicit support for at least 60% since the specification supports 60-80% glyceride fatty ester, which can be coconut oil. Thus, this is inherent for a weight percent of 60-80% coconut oil. Applicant argues that the examples utilize 60% coconut oil. Thus, applicant argues that there is support.

Applicant's arguments filed 6/8/05 have been fully considered but they are not persuasive. Firstly, it should be noted that the examiner is not contesting applicant's support of 60% coconut oil or the broad range of 60-80%. It is the examiner's position that the phrase "at least" does not find support. For instance, the proviso may be interpreted one of two ways. The first being that the composition contains at least 60% coconut oil and the remainder being almond oil, sunflower oil, or a mixture. Example 4 of the instant specification provides support for a composition comprising 60% coconut oil, 35% light mineral oil, and 5% sunflower oil. Thus, 60% coconut oil has support. However, nowhere in the specification is there support for at least 60% coconut oil. Thus, the specification does not provide support for *more than* 60% coconut oil combined with sunflower or almond oil respectively.

Claims 1, 7, and 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection of claims 1, 7, 14, and 16 is withdrawn in view of the amendment of 6/8/06.

The independent claim recites "with the proviso that coconut oil is present in the hair oil in an amount of at least 60% by weight" which is vague and unclear. It is unclear if the proviso requires at least 60% coconut oil or the proviso only requires "at least 60% coconut oil" when

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coconut oil is selected from a Markush group or in a mixture of coconut, sunflower, and almond oil. With regard to claim 13, it is unclear if the claim requires 60-80% "one or more glyceride fatty esters" and at least 60% coconut oil, and 20-40% of light mineral oil, which is indefinite since this would yield components in a weight percent over 100, or is the claim referring to when the oily component that contains the glyceride fatty esters is coconut oil, it must be a weight percent of at least 60. Further clarification is requested. For purposes of applying prior art, with regard to claim 1, the examiner interprets the proviso to only apply when coconut oil is selected from the Markush group. With regard to claim 13, the examiner interprets the proviso only to apply when coconut oil (inherently contains glyceride fatty acid esters) is selected as the first oily component containing glyceride fatty acid esters.

Response to Arguments

Applicant argues that claim 1 requires 60-80% of an oily component with the proviso that coconut oil is in an amount of at least 60%. Applicant argues that it is clear that coconut oil cannot be in an amount in an excess of 60%.

Applicant's arguments filed 6/8/05 have been fully considered but they are not persuasive. The examiner points out that applicant's amendment does not overcome the rejection based on indefiniteness. The proviso is indefinite since this proviso provides two possible interpretations. First interpretation being, the proviso requires at least 60% coconut oil in the composition wherein almond or sunflower oil make-up the remainder portion to yield 80% in total of the first oily component. The second interpretation being, the proviso requires at least 60% coconut oil when the when coconut oil is selected from a Markush group of "coconut oil, sunflower oil, and almond oil, and mixtures"; however, if almond oil or sunflower oil is selected

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from the Markush group, then the proviso does not apply and the claim is not limited to least 60% coconut oil. With regard to claim 13, it is unclear if the claim requires 60-80% "one or more glyceride fatty esters", at least 60% coconut oil, and 20-40% of light mineral oil, which is indefinite since this would yield components in a weight percent over 100 or is the proviso limiting the composition to at least 60% coconut oil wherein the remainder of the first oily material may be other glyceride fatty esters. Applicant has not clarified or amended the claims to overcome this rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 7, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 564551 in view of EP 0546235 in further view of Brown et al (5,422,118).

GB 564551 discloses hair oil wherein the hair oil comprises a non-drying vegetable oil such as almond oil, castor oil, and sesame oil and any desired proportion of ethyl oleate. See

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column 1, lines 15-20. GB '551 teaches the use of oils are too greasy for use in hair preparation but the use of ethyl oleate dilutes vegetable oil which are normally too viscous, sticky, and greasy when used alone. See column 2, lines 65-75. For instance, the composition may comprise 60% almond oil and 40% ethyl oleate. With regard to claim 7, note almond oil contains glyceride fatty esters.

GB '551 does not teach the use of mineral oil in the composition.

EP teaches a hair-restorer containing a mixture of castor oil, *almond oil*, olive oil, and *coconut oil* in equal proportions for application to the scalp. EP teaches the use of the vegetable oils lies in the fact that vegetable oils are fatty acid glycerol esters. See page 3. Glycerol and/or paraffin oil (liquid paraffin or Vaseline oil) may be added. Paraffin oil is taught as a diluent for the active substances contained in the vegetable oils. See abstract and page 5. The hair-restorer stops hair loss, stimulates the growth of strong healthy hair and cares for protects the scalp. See page 3, lines 3-7. The example teaches 1/6 parts of each castor oil, almond oil, olive oil, coconut oil, glycerol, and 16% paraffin (liquid paraffin or Vaseline oil). See page 5, third paragraph.

Brown teaches a transdermal administration of amines. Brown teaches examples of suitable solvents include mineral oil, and fatty esters including but not limited to isopropyl myristate, isopropyl oleate, ethyl oleate, etc. See column 12, lines 14-26.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of GB '551 and EP '235 and substitute GB '551's ethyl oleate with the instant mineral oil. Firstly, one would have been motivated to do so with the expectation of similar results since GB '551 teaches the use of ethyl oleate to dilute vegetable oil to provide a composition that is not sticky and viscous and EP '235 teaches the use of paraffin oil

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to dilute the vegetable oils in a hair oil composition. Thus, EP '235 teaches paraffin oil functions similarly to ethyl oleate in a hair oil composition. Secondly, Brown teaches both mineral oil (another name for paraffin oil) and ethyl oleate act as solvents. Thus, Brown teaches both mineral oil and ethyl oleate function similarly, i.e. as solvents. Therefore, it would have prima facie to substitute one solvent for another solvent to provide a less sticky and viscous hair oil.

With regard to the instantly recitation of the mineral oil viscosity, it is considered obvious for a skilled artisan to utilize the mineral oil of choice depending on the desired viscosity. For instance, if one wanted to increase the viscosity, one would use heavy mineral oil. Conversely, if one wanted to have a low viscosity composition, one would utilize light mineral oil. Therefore, a skilled artisan would have been motivated to utilize light mineral oil if one desired a low viscosity hair oil. It should be also noted that EP's liquid paraffin is another name for mineral oil (note page 422 of Grant & Hackh's Chemical Dictionary). Liquid paraffin has 10 to 18 carbons (note page 436 of Grant & Hackh's Chemical Dictionary) and light oils (hydrocarbons) are considered to have C12 to C20. Therefore, since EP teaches a liquid paraffin oil (carbon atoms of 10-18) and applicant claims a light mineral oil with 6-16 carbon atoms (straight chained) or 6-20 carbon atoms (branched), it is the examiner's position that EP would have a similar viscosity. Note the art of interest: Grant & Hackh's Chemical Dictionary, Fifth Edition, 1987, pages 422 and 436.

Response to Arguments

Applicant argues that GB '551 does not teach or suggest the use of mineral oil for imparting a less greasy feel to the hair. Applicant argues EP teaches a method of treating the scalp and not treating the hair wherein vegetable oils with differing saponification and iodine

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numbers are combined. Applicant argues EP does not teach a high content of coconut oil.

Applicant argues Brown is non-analogous since Brown is directed to transdermal compositions.

Applicant argues Brown does not teach hair oils. Lastly applicant argues that GB never mentions coconut oil and thus the reference cannot be combined.

Applicant's arguments filed 6/8/05 have been fully considered but they are not persuasive. Firstly, it should be noted that the claims are rejected under indefiniteness. With regard to claim 1, the examiner interprets the proviso to only apply when coconut oil is selected from the Markush group. GB '551 teaches 60% almond oil and 40% ethyl oleate. Therefore, the instant proviso is met since almond oil is one of the Markush species recited in the Markush group. Further, the first oily component is almond oil, which is obviously not coconut oil and thus the proviso does not apply since coconut oil is not the selected species. Assuming arguendo that the claim requires 60% coconut oil, then the instant combination would render claim 1 obvious since EP '235 teaches the equivalency of coconut oil and almond oil. Thus, absent the unexpectedness of the instant oil versus the prior art's, it is considered obvious to utilize any vegetable oil since the prior art establishes the functional equivalency of both.

With regard to claim 7, the examiner interprets the proviso only applies when coconut oil (inherently contains glyceride fatty acid esters) is selected as the first oily component containing glyceride fatty acid esters. Again, almond oil contains glyceride fatty esters and it is not coconut oil, thus the proviso does not apply. **The examiner strongly suggests applicant amend the claims to clarify the scope with regard to the amount of coconut oil with respect with the other "first oily components" since the scope of the independent claims are ambiguous.** Again assuming arguendo that the claim requires 60% coconut oil, then the instant combination

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would render claim 1 obvious since EP '235 teaches the equivalency of coconut oil and almond oil. Thus, absent the unexpectedness of the instant oil versus the prior art's, it is considered obvious to utilize any vegetable oil since the prior art establishes the functional equivalency of both.

With regard to EP '235, the relevancy of the argument regarding the saponification and iodine number is unclear. The examiner points out that EP '235 is not relied upon to teach the weight percent of coconut oil. EP '235 and Brown are both relied upon to teach the functional equivalency of mineral oil and ethyl oleate. GB '551 teaches the use of ethyl oleate to dilute the vegetable oil to yields a less sticky and viscous product. EP '235 is used to establish that is that paraffin oil (mineral oil) is also known to dilute vegetable oil. Brown teaches that both ethyl oleate and mineral oil act as solvents. Thus, it is the examiner's position that it would have been obvious to a skilled artisan to utilize either mineral oil or ethyl oleate to dilute the vegetable oil.

In response to applicant's argument that Brown is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Brown is directed to transdermal preparations, i.e. compositions that penetrate the skin. The examiner points out that hair oils also penetrate hair and scalp. All the references pertain to compositions/pharmaceuticals that are applied to the skin and non-toxic and thus are considered to be in the same field. The examiner further points out that the function of a solvent does not change based on the use of the composition. Therefore, ethyl oleate and mineral oil will act as solvents in a composition

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regardless of the intended use of the composition, i.e. if the composition is used for transdermal treatment versus a composition used for oral treatment. Applicant has not provided any unexpected results of using mineral oil versus ethyl oleate to overcome the instant prima facie obviousness rejection.

Claims 13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 1035855 entire document or optionally in view of Pavlin (5,998,570). The rejection of claims 14 and 16 is withdrawn.

DE teaches hair oil containing 50% olive oil, 40% paraffin oil, 9% isopropylmyristate, 0.5% N-acetylcysteine isopropylester, and 0.5% N-salicylic methionine isopropylester. It should be noted the terminology hair oil, is an implicit disclosure of the instant methodology. It should be noted that olive oil inherently contains "one or more glyceride fatty acid esters".

DE does not teach the instant 60% of the first oily component or the viscosity of the paraffin oil.

Pavlin teaches personal care products with a clear carrier. Pavlin teaches the state of the art where there is a preference for transparent formulations. See column 1, lines 53-55. Further, Pavlin teaches the use of mineral oil and the preference for light mineral oil since it is less viscous than heavy mineral oil, colorless and transparent. See column 15, lines 45-65.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to manipulate the parameters of the prior art and utilize 60% of the instant oil. One would have been motivated to do so as part of the routine experimentation process to find to the optimal working range. Generally differences in concentrations does not support patentability of subject matter encompassed by the prior art absent the unexpectedness of the ranges. Moreover,

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it is considered obvious for a skilled artisan to utilize the mineral oil of choice depending on the desired viscosity. For instance, if one wanted to increase the viscosity, one would use heavy mineral oil. Conversely, if one wanted to have a low viscosity composition, one would utilize light mineral oil.

Secondly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further look at the teaching of Pavlin and utilize the instant light mineral oil. One would have been motivated to use light mineral oil versus heavy mineral oil since light mineral oil is less viscous, colorless, and transparent as taught by Pavlin. Thus, a skilled artisan would have been motivated to use light mineral oil not only if one desired a low viscosity composition, but also for its colorless property. It is the examiner's position that the light mineral oil taught by Pavlin would have the instantly claimed viscosity. Assuming *arguendo* that it does not, it would have been obvious to utilize the appropriate light mineral oil with the desired viscosity depending on the desired overall viscosity of the composition.

With regard to the consisting essentially language, note MPEP 211.03 wherein the MPEP states "For the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, "consisting essentially of" will be construed as equivalent to "comprising." See, e.g., PPG, 156 F.3d at 1355, 48 USPQ2d at 1355 ("PPG could have defined the scope of the phrase consisting essentially of" for purposes of its patent by making clear in its specification what it regarded as constituting a material change in the basic and novel characteristics of the invention."). See also *AK Steel Corp. v. Sollac*, 344 F.3d 1234, 1240-41, 68 USPQ2d 1280, 1283-84 (Fed. Cir. 2003)."

Response to Arguments

Applicant argues that DE 1035855 does not teach hair oils containing high levels of coconut oil as required by the subject claims, the undesirably greasy feel associated with compositions containing high levels of coconut oil, or the addition of low viscosity hydrocarbon oils as a means of reducing greasy feel and improving the sensory characteristics of compositions with a high coconut oil content. Applicant argues Pavlin does not cure this deficiency. Applicant argues that the references do not provide any equivalency between olive oil and coconut oil or paraffin oil with the light mineral oil.

Applicant's arguments filed 6/8/06 have been fully considered but they are not persuasive. Firstly, the examiner points out that the instant claims have been rejected under indefiniteness. Independent claim 13 is directed to a 60-80% first oily component that contains one or more glyceride fatty esters and 20-40% light mineral oil. Thus, the claims may be interpreted that when the oil is coconut oil, it must be in a range of at least 60% but if the oily component containing glyceride of fatty esters is chosen from another oil containing glyceride fatty esters such as olive oil, then the proviso does not apply. It is noted that applicant has not addressed this interpretation. Therefore, DE teaches 50% olive oil, which inherently contains glyceride fatty acid esters and it is the examiner's position that the manipulation of the concentration is obvious absent evidence of unexpectedness.

With regard to Pavlin, in response to applicant's argument that Pavlin teaches gelling agents for low polarity liquids and it is a stretch to go from gels to hair oil, the examiner points out that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed

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invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In instant case, Pavlin is utilized for its specific teaching of light mineral oil in hair compositions. C Pavlin teaches light mineral oil is transparent and less viscous. Thus, the motivation to utilize light mineral oil versus heavy mineral oil is that it is less viscous and transparent. Applicant has not addressed this motivation.

Claims 1 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 1035855 entire document optionally in view of Pavlin (5,998,570) in further view of GB 564551.

As set forth above, DE teaches hair oil containing 50% olive oil, 40% paraffin oil, 9% isopropylmyristate, 0.5% N-acetylcysteine isopropylester, and 0.5% N-salicylic methionine isopropylester. Pavlin teaches the use of mineral oil and the preference for light mineral oil since it is less viscous than heavy mineral oil, colorless and transparent. See column 15, lines 45-65.

DE does not teach the instantly claimed oils in independent claim 1.

GB 564551 discloses hair oil wherein the hair oil comprises a non-drying vegetable oil such as almond oil, olive oil, castor oil, and sesame oil and any desired proportion of ethyl oleate. See column 1, lines 15-20. GB '551 teaches the use of oils are too greasy for use in hair preparation but the use of ethyl oleate dilutes vegetable oil which are normally too viscous, sticky, and greasy when used alone. See column 2, lines 65-75.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of DE, optionally Pavlin, and GB '551 and substitute olive

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oil for the instant almond oil. One would have motivated to do so with the expectation of success since GB '551 teaches conventional non-drying hair oils utilized in the art may be selected from almond oil, sesame oil, or castor oil. Therefore, it is prima facie obvious to substitute one vegetable hair oil for another well known hair oil absent the unexpectedness of the instantly claimed hair oils.

Response to Arguments

The merits of DE, GB, and Pavlin have been addressed and since applicant has not argued the instant rejection specifically, the examiner maintains the rejection for the reasons discussed above.

Applicant's Response to Request for Information Under 37 CFR 1.105

Applicant states that the information is not "in the immediate possession of the undersigned and will require inquiry."

This response is ambiguous since MPEP 704.12 requires applicant to make a statement that the information required to be submitted is unknown and/or is not readily available (which applicant has not done) and is the required information was is not readily attainable, applicant is required to make a good faith attempt to obtain the information and to make a reasonable inquiry once the information is requested. It is unclear if applicant has made a "good faith attempt" since applicant states it will require inquiry, which is indicative that applicant has not made any inquiries.

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Art of Interest

Krishnan, Hair oil: Time for Consolidation, The Hindu, Sunday 1/21/01 is cited as art of interest. Krishnan discloses the product Clinic Plus non-sticky hair oil is a combination of coconut oil and mineral oil.

Grant & Hackh's Chemical Dictionary, Fifth Edition, 1987, pages 422 and 435-436.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

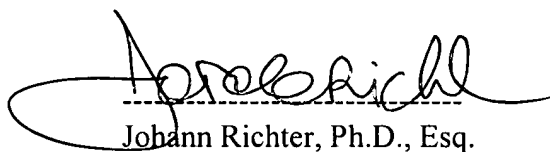
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharmila S. Gollamudi whose telephone number is 571-272-0614. The examiner can normally be reached on M-F (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sharmila S. Gollamudi
Examiner
Art Unit 1616



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